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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appl.No.: 09/855,567  
Appellant: McCree  
Filed: May 15, 2001  
TC/AU: 2655  
Examiner: Opsasnick

Confirmation No.: 1528

Docket: TI-29772  
Cust.No.: 23494

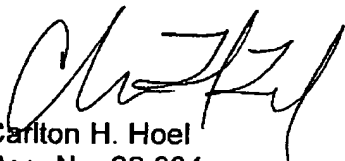
## APPELLANT'S BRIEF

Commissioner for Patents  
P.O.Box 1450  
Alexandria VA 22313-1450

Sir:

The attached sheets contain the Rule 41.37 items of appellant's brief. The Commissioner is hereby authorized to charge the fee for filing a brief in support of the appeal, the fee for an extension of time in which to respond, plus any other necessary fees to the deposit account of Texas Instruments Incorporated, account No. 20-0668. A fee transmittal sheet is enclosed.

Respectfully submitted,



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**Rule 41.37(c)(1)(i) Real party of interest**

Texas Instruments Incorporated owns the application.

**Rule 41.37(c)(1)(ii) Related appeals and interferences**

There are no related dispositive appeals or interferences.

**Rule 41.37(c)(1)(iii) Status of claims**

Claims 1-8 are pending in the application with all claims finally rejected. This appeal involves the finally rejected claims.

**Rule 41.37(c)(1)(iv) Status of amendments**

There is no amendment after final rejection.

**Rule 41.37(c)(1)(v) Summary of claimed subject matter**

The invention provides wideband (0-8 kHz) speech coding with linear prediction (LP) coding for both the lowband (0-4 kHz) and the highband (4-8 kHz); the lowband LP filter excitation is encoded, but the highband LP filter excitation is synthesized from noise modulated by a portion of the lowband signal and a scale factor. Claims 1, 3, 5, and 7 relate to encoding and claims 2, 4, 6, and 8 relate to decoding. Figure 1c shows decoding with the highband excitation using a portion of the decoded lowband synthesized speech ("2.8-3.8 KHz bandpass filter") and application page 9, paragraph (5) describes the highband excitation synthesis ("|lbdh'(m)|" is the absolute value of lowband decimated high portion described in paragraph (2) on page 9). Conversely, Figure 1b shows encoding using a portion of the lowband speech ("2.8-3.8 KHz bandpass filter") to find the scale factor, and application paragraph (4) on page 7 and paragraph (8) on page 8 describe this.

**Rule 41.37(c)(1)(vi) Grounds of rejection to be reviewed on appeal**

The grounds of rejection to be reviewed on appeal are:

(1) claims 1-8 were rejected as anticipated by the Tucker reference.

Rule 41.37(c)(1)(vii) Arguments

(1) Claims 1-8 were rejected as anticipated by Tucker; the Examiner cited the two excitations for a wideband synthesis filter of Figs. 5-6.

With regard to decoding claims 2, 4, 6, and 8, appellant replies that the claims require the excitation for the highband be noise modulated by a portion of the already-decoded lowband signal. Tucker Fig.5 (and column 12, lines 3-21) has the excitation being the weighted sum of periodic (pitch) pulses plus noise; there is no suggestion of using a portion of the lowband to modulate noise for the highband excitation; pitch pulses are not a portion of the lowband. Consequently, Tucker does not suggest the decoding claims.

With regard to encoding claims 1, 3, 5, and 7, appellant replies that the claims require encoding the highband so that the excitation is noise modulated by a portion of the lowband signal. Again, Tucker uses a weighted sum of periodic pulses plus noise as excitation; there is no suggestion of noise modulated by a portion of the lowband. Consequently, Tucker does not suggest the encoding claims.

**Rule 41.37(c)(1)(viii) Claims appendix**

1. A method of wideband speech encoding, comprising:
  - (a) partitioning a frame of digital speech into a lowband and a highband;
  - (b) encoding said lowband;
  - (c) encoding said highband using a linear prediction excitation from noise modulated by a portion of said lowband; and
  - (d) combining said encoded lowband and said encoded highband to form an encoded wideband speech.
  
2. A method of wideband speech decoding, comprising:
  - (a) decoding a first portion of an input signal as a lowband speech signal;
  - (b) decoding a second portion of an input signal as a noise-modulated excitation of a linear prediction encoding wherein said noise modulated excitation is noise modulated by a portion of the results of said decoding as a lowband speech signal of preceding step (a); and
  - (c) combining the results of foregoing steps (a) and (b) to form a decoded wideband speech signal.
  
3. A wideband speech encoder, comprising:
  - (a) a lowband filter and a highband filter for digital speech;
  - (b) a first encoder with input from said lowband filter;
  - (c) a second encoder with input from said highband filter and said lowband filter, said second encoder using an excitation from noise modulated by a portion of output from said lowband filter; and
  - (d) a combiner for the outputs of said first encoder and said second encoder to output encoded wideband speech.
  
4. A wideband speech decoder, comprising:
  - (a) a first speech decoder with an input for encoded narrowband speech;

(b) a second speech decoder with an input for encoded highband speech and an input for the output of said first speech decoder, said second speech decoder using excitation of noise modulated by a portion of the output of said first speech decoder; and

(c) a combiner for the outputs of said first and second speech decoders to output decoded wideband speech.

5. The method of claim 1, further comprising:

(a) decimating the sampling rate of both said lowband and said highband;

(b) encoding said decimated lowband from step (a) including a first method of quantization;

(c) reversing the spectrum of a baseband image of said decimated highband from step (a); and

(d) encoding the results of step (c) including said first method of quantization.

6. The method of claim 2, wherein:

(a) said decoding a first portion of an input signal as a lowband speech signal includes using a first codebook; and

(b) said decoding a second portion of an input signal as a highband speech signal includes using said first codebook.

7. The wideband speech encoder of claim 3, wherein:

(a) said first encoder uses a first quantizer; and

(b) said second encoder using said first quantizer.

8. The wideband speech decoder of claim 4, wherein:

(a) said first speech decoder with an input for encoded narrowband speech includes an LP codebook; and

(b) said second decoder using said LP codebook.

Rule 41.37(c)(1)(ix) Evidence appendix

n/a

Rule 41.37(c)(1)(x) Related proceedings appendix

n/a